



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Bo, 8 Shevat 5777

400 / 4 = Disunity

Harav Yosef Carmel

One of the matters from our *parasha* that drew much attention by our great commentators over history is the statement that Bnei Yisrael were in Egypt for 430 years (Shemot 12:40). This is in apparent contradiction to the 400 years promised in *Brit Bein Habetarim* (Bereishit 15:13). Less famously, Bereishit 15:16 states that Bnei Yisrael would return after the sin of the Emorites is complete, after four generations. We will focus now on the interplay between the dating of 400 years in comparison with or as opposed to four generations.

The Ramban explains that the timing of four generations does not relate to Bnei Yisrael's exile but to the sin of Emorites. The *midrash* (Mechilta D'Rabbi Yishmael, Bo 14) says that the two possibilities are ... two possibilities. If Bnei Yisrael would repent, they would return after four generations. If not, they would be redeemed after the appropriate number of years.

When was the end of four generations? One *midrash* (Lekach Tov, Lech Lecha 15) says that the four generations are Kehat, Amram, Moshe, and Moshe's sons, who were the ones who entered the Land. Rashi takes a similar approach, although using a different family to illustrate: Yehuda, Peretz, Chetzron, and Chetzron's son Kalev, who entered the Land. After begging forgiveness, we want to suggest another explanation.

The exile to Egypt was a direct result of the selling of Yosef, which stemmed from the deep dispute between the brothers, a story that we followed from Parashat Vayeishev through Parashat Vayechi. We would think that the brother's earned their atonement in Parashat Vayigash, when Yehuda offered to become a slave in place of Binyamin and Yosef revealed his identity to his brothers. They all kissed each other and spoke (Bereishit 45:15), which is a correction of "they were unable to speak with him in peace" (ibid. 37:4).

However, looking at Parashat Vayechi, we see that the tension continued. After Yaakov's burial, the brothers came begging to Yosef, with a contrived story of Yaakov's unwritten request for Yosef to spare his brothers and their willingness to be his slaves (ibid. 50:18). This tension could have actually been the cause of the redemption not coming earlier. While Yosef did not take revenge against Yehuda, he also did not offer him partnership in the leadership of the nation-in-making. Without partnership between the sons of Leah and of Rachel, there cannot be full redemption. Not only did Yosef not include Yehuda, but the descendants of his son Ephrayim tried to leave Egypt on their own accord. Yehoshua ruled without including Yehuda in a prominent manner. Shaul did not welcome David's emergence, and David failed to elevate the status of Yonatan's sons. Yeravam did not agree to serve as an assistant to King Rechavam. (To learn more about the generation of Yeravam and Uziya, see Tzofnat Eliyah). When there is a lack of unity, there is not redemption.

According to our thesis, the fourth generation could have been counted from Avraham and could have ended with Yehuda and Yosef. More unity was needed and was missing. Let us pray that we will merit unity and repentance in the very near future.

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Ask the Rabbi

by Rav Daniel Mann

Using Notes Taken on Shabbat or Yom Tov

Question: I was asked by a *talmid* of mine who is in college, whether he can use notes taken on Shabbat or *Yom Tov* by a non-religious Jewish friend?

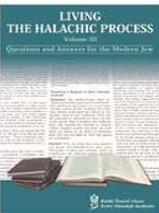
Answer: There are various opinions from the *Tannaim* down through the *poskim* on the extent of the prohibition of *ma'aseh Shabbat*, things produced through the violation of Shabbat (see Ketubot 34a). Rabbi Meir says that if Shabbat was violated by mistake, it is permitted to use the result even on Shabbat; if it was done on purpose, it is forbidden for the perpetrator but permitted for others. According to Rabbi Yehuda, even by mistake, it is forbidden for everyone on Shabbat but permitted after Shabbat for those other than the perpetrator. (There is a third, more stringent opinion, which is not accepted as halacha.) The Shulchan Aruch (Orach Chayim 318:1), following the Rif and Rambam, rules like Rabbi Yehuda. The Gra, like Tosafot before him, rules like the lenient Rabbi Meir. The Mishna Berura (318:7) says that one can rely on the lenient opinion regarding shogeg (that it is permitted for all on Shabbat). In any case, since your *talmid* is not the perpetrator, it seems clear that it is permitted for him, as all the normative opinions agree that it is permitted for others after Shabbat.

However, there are a few issues to deal with. First, there are opinions that even others need to wait *bichdei sheya'asu* (the amount of time it would take to get the result if one started after Shabbat). This concept is found regarding a non-Jew who did work on behalf of a Jew. This waiting period is still required even though the non-Jew did nothing wrong and even in cases where the Jew did not improperly tell him to do so (Beitza 24b). Two possible reasons are advanced for this halacha. Rashi (ad loc.) says that it is in order to not benefit from work done on Shabbat. Tosafot says that it is so one not come to ask the non-Jew to do work. The Pri Megadim (Eshel Avraham 225:22) reasons that the issue of benefiting from work on Shabbat should apply to a Jew who regularly violates Shabbat. However, regarding Tosafot's reason, we do not expect a religious Jew to ask a Shabbat desecrator to do work on Shabbat. The Mishna Berura adds a reason not to say *bichdei sheya'asu* regarding a Jew – a Jew will not listen to a request to do *melacha*, and one can argue that this does not apply to those who regularly violate Shabbat (see our Bemareh Habazak I:31). The Pri Megadim leaves the matter unresolved, and there is not a consensus among contemporary *poskim* (see *ibid.*, where we leaned toward leniency, and Orchot Shabbat 25:(25), who leans toward stringency).

How long would *bichdei sheya'asu* be in our case? On the one hand, if the student did not take notes at the time of the class, he would not have them, and thus maybe it is forever. However, logic dictates that the information could still be obtained from another student, and it would not take long. Therefore, even if one were to be stringent regarding *bichdei sheya'asu*, he could take the notes relatively soon after Shabbat.

If the note taker takes money for using his notes, paying him might be forbidden (see Shut K'tav Sofer, OC 50). We will curtail discussion of this point, with the assumption that this is not the case here.

While according to pure halacha, it is permitted to use the notes, there is a preference to use a non-Jew's notes for the following reason. There is an element of *chillul Hashem* in taking advantage of *chillul Shabbat* in a manner that includes personal interaction. It can be seen (to your *talmid* and/or to his classmate) as if he is saying: "I can't come to class, but I am glad you are there to help me out." The aforementioned responsa in Bemareh Habazak rules that it is permitted to take a ride from *shul* on *Motzaei Shabbat* with one who drove his car there on Shabbat. However, we said (see also Tzitz Eliezer XIII:48) that it is improper to do so on a regular basis for the above reason. The appropriate level of sensitivity in this regard depends on the people involved and cannot be fully captured in this forum.



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Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

Gemara: Rava said to his attendant: You, who do not know how to determine the times of the Rabbis, should light the Shabbat candles once the sun is at the top of the palm trees. What does one do on a cloudy day? In a city, see a rooster; in a field, see a raven, or see an *adani* (a plant that follows the sun, like a sunflower).

Simple Solutions for Simple People

(condensed from Ein Ayah, Shabbat 2:298)

Ein Ayah: In all areas of life, the Creator prepared all “measures” that are needed for existence and for spiritual and material sustenance, according to the situation. When someone’s situation is elevated, he will merit more precise parameters with which to reach true matters of which he is in need.

One who lacks the intellectual ability to reach the depths of this level of truth still has broad access to more accessible ways of determining what he needs. These systems suffice, even though they are not as precise as those of the more talented. The most basic light of truth is open to see for all with eyes. This is the significance of the sign that Rava gave for those who do not know the exact halachic end of the day: when the sun is at the height of the top of the date trees, light the candles. “I did not speak the matter from the beginning in a concealed manner” (based on Yeshaya 48:16) – there is not a need for deep and complex calculations.

Good Tendencies in Nature

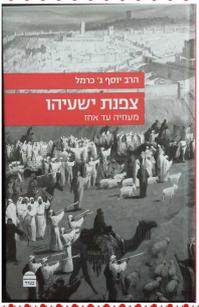
(condensed from Ein Ayah, Shabbat 2:299)

Ein Ayah: Sometimes even things that should be revealed are concealed from the view of the eyes. In such cases, there are things within nature that can help the sincere person to be saved from mistakes that he might otherwise make in the dark. These use the tendency of good people to be drawn to things that can be learned from positive elements of nature.

The rooster is a kosher animal which has a unique manner of distinguishing between such basic things in nature as day and night. The raven (a non-kosher animal) makes a positive contribution within less than sympathetic surroundings. One can learn much from the abilities of the impure in nature and use this knowledge as an impetus for the pure within nature to function to their fullest.

From the *adani* we learn that there is a strong tendency within nature to lean toward the sun. This is parallel to the strong thirst within the hearts of Israel based on their nature toward the “sun of Torah” and good actions. This continues unless one removes the purity from within him. This tendency leads the person unless there is some other idea that pulls him in another direction. “The purity of the straight shall lead them” (Mishlei 11:3). “Hashem will be your advisor; guard your legs from being trapped” (ibid. 3:26). “He will lead the humble in justice, and teach sinners along the way. All the ways of Hashem are kindness and truth for those who guard His covenant and His statutes” (Tehillim 25:8-10).

We started with the project of translating and presenting much of Ein Ayah some eight and a half years ago. With this week’s installment, we have completed, with Hashem’s help, the third of the four volumes of Ein Ayah.



**Tzofnat Yeshayahu-
Rabbi Yosef Carmel**

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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P'ninat Mishpat

Dampness

(based on ruling 73007 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) bought an apartment from the defendants (=def) in August. After the first autumn rains, pl noticed dampness in the walls in three locations in the apartment. They had the apartment fixed at a cost of 1,500 shekels and estimate the cost of time taken off from work to find and supervise a contractor at another 1,100 shekels. All agree that pl asked about the existence of dampness before buying. Def claim that they informed pl about two areas of dampness; pl deny this. Def also claim that if pl are being so exacting, they want to offset any award with compensation for pl's significant lateness in two purchase payments.

Ruling: While there is a dispute whether def disclosed information on dampness, this is not critical to arrive at a ruling for the following reason.

Par. 3b of the sales contract states that the apartment is transferred "as is," with all its elements in basic working order, and that the seller confirms that he is unaware of any hidden blemishes. Par. 3f states that pl checked the apartment, in line with the seller's statement, and relinquish any claims of blemishes except for hidden blemishes that are revealed within a reasonable amount of time.

The sides dispute the application of these principles. Def claim that pl knew or should have known about the dampness, whereas pl claim that dampness in walls is a hidden blemish, in regard to which they did not relinquish rights. On this point, we agree with pl.

However, the contract does not address what the consequence of dampness is. One can claim that dampness is too small/common a blemish to be subject to steps against the seller. On the other hand, all agree that pl asked def whether there was dampness, which shows that it was important to them. We also reject def's claim that one has to expect dampness in a 14 year-old building.

Halacha does not accept the approach of "let the buyer beware," as a buyer who was deceived can void the sale (see Shach, CM 227:14). On the other hand, when there is a blemish which is detectable and the buyer does not bother to check, there is a *machloket* whether he can complain about it (see Pitchei Teshuva, CM 232:1). The Shulchan Aruch (Choshen Mishpat 232:7) says that one cannot relinquish claims of blemishes in a sales item unless the blemish is known and specified. Two of the spots had peeled paint, which is a strong indication of dampness. In such cases, the Rashba (Shut I:1127) treats it like the relinquishing of rights to a known blemish. This is strengthened by the clause that states that pl checked the apartment with an architect, lawyer, and engineer, the latter of whom would certainly have found it.

One of the spots of dampness would have been hard to find. However, def claim that dampness at this spot did not exist before the sale. It is difficult to make a determination on such a matter. Therefore, we cannot extract payment from def. This makes the question of offsetting for late payment moot. But on a moral level, we note that it is strange for pl to be so exacting on a relatively small and common problem with the apartment such as minor dampness, while they were lax regarding something as basic as keeping to the payment schedule.

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